

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

2. **Claims 1, 2 and 6 are objected to under 37 CFR 1.75(d)(1), wherein the phrase "method comprising" is understood to be method comprising:".**

Amendments have been made.

- 3.1 **Claims 1-3, 5-7 and 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The invention claims (claim 1 preamble), "A machine- based method (for generating a predictive set of variables)."**

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Amendments have been made.

- 4.1 **Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by the article authored by Bhattacharyya, entitled Evolutionary Algorithms in Data Mining: Multi-Objective Performance Modeling for Direct Marketing.**

- 4.2 **Bhattacharyya discloses, in regard to claim 1: in connection with a process in which a user generates a predictive set of variables based on historical data about a system being modeled [p. 465, col. 2, par. 1, "characterizing the customer"], enabling the user to automatically generate transformations of variables of the data [p. 465, col. 2, par. 1, "defining the dependent variables being modeled"], and automatically rank the performance of the predictor variables [p. 466, col. 1, par. 2 and 3].**

In amended claim 1, the user is enabled to "automatically generate transformations of the predictor attributes of the data." The passage in Bhattacharyya relied on by the examiner only says that "a variety of criteria may be used to ... define the dependent variables being modeled." It does not say or suggest that predictor attributes could be subjected to the generation of "transformations." let alone that the transformations could be generated "automatically."

Also, in amended claim 1, the user is enabled to "automatically rank the performance of the predictor attributes." Again the passage cited by the examiner is irrelevant because it refers to evaluating the performance of different models at different depths-of-file and says nothing about automatically ranking the performance of predictor attributes of a system being modeled.

Thus, Bhattacharyya neither describes nor would have made obvious what is recited in claim 1.

Claim 2: automatically identifying distinguishing characteristics of segments of customers in the system [p. 465, col. 2, par. 1, "characterizing the customer"].

The applicant respectfully disagrees. The cited passage of Bhattacharyya is irrelevant. It merely refers to defining a model "over various attributes characterizing the customers (predictor variables)," but it neither describes nor suggests anything about "segments of customers" or "distinguishing characteristics" of such segments or customers, let alone "identifying" such characteristics of segments of customers, or doing so "automatically." Thus Battacharyya did not anticipate and would not have made obvious claim 2.

Claim 6: in connection with a project in which a user generates a series of predictive models based on historical data about a commercial system being modeled, automatically identifying distinguishing characteristics of segments of customers in the system [p. 465, col. 2, par. 1].

In claim 6, as in claim 2, it is *segments* of customers that are being addressed. Distinguishing characteristics of those segments are being identified, and the identification is occurring automatically. For at least similar reasons to those proffered with respect to claim 2, claim 6 is patentable.

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Applicant : Stephen K. Pinto et al.
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Please apply the amount of \$225 for the Petition for Extension of Time for two months
and any other charges or credits to deposit account 06-1050, reference 17146-009001.

Respectfully submitted,

Date: _____

3/22/7



David L. Feigenbaum
Reg. No. 30,378

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906